



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2704 • In-State Toll Free (877) 255-2212

### DRAFT MINUTES FOR EMERGENCY SUMMARY ACTION MEETING

Held at 12:00 p.m. on Monday, March 26, 2007

9545 E. Doubletree Ranch Road • Scottsdale, Arizona 85258

#### **Board Members**

William R. Martin III, M.D., Chair  
Douglas D. Lee, M.D., Vice Chair  
Dona Pardo, Ph.D., R.N., Secretary  
Patrick N. Connell, M.D.  
Dan Eckstrom  
Robert P. Goldfarb, M.D., F.A.C.S.  
Patricia Griffen  
Ram R. Krishna, M.D.  
Lorraine L. Mackstaller, M.D.  
Paul M. Petelin Sr., M.D.  
Germaine Proulx  
Amy J. Schneider, M.D., F.A.C.O.G.

#### **CALL TO ORDER**

The meeting was called to Order at 12:00p.m.

#### **ROLL CALL**

The following Board Members were present: Patrick N. Connell, M.D., Dan Eckstrom, Patricia Griffen, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin III, M.D., Dona Pardo, Ph.D., R.N., Germaine Proulx and Amy J. Schneider, M.D., F.A.C.O.G. The following Board Members were not present: Robert P. Goldfarb, M.D., F.A.C.S., Lorraine Mackstaller, M.D. and Paul M. Petelin, Sr., M.D.

#### **CALL TO THE PUBLIC**

A.C. was present and spoke during the Call to Public. She said she is devastated by the actions of Dr. Baez. She informed the Board the alleged sexual assault is still under investigation with the Tucson Police Department. She stated there is not a day that goes by that she doesn't think of what happened to her. A.C. said she sometimes feels angry, sad and nervous from what happened and that she has trouble sleeping at night. She also informed the Board that she had been admitted to the hospital for shortness of breath.

#### **TIME SPECIFIC MATTER**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-0126A	A.C. LE ROI A. BAEZ, M.D.	30154	Summary Suspension of license.

Marlene Young, Senior Investigator, presented to the Board with a brief summary of the case. The Board received a complaint from A.C. alleging that Dr. Baez made inappropriate sexual advances after she went to his office for a complaint of abdominal pain. A.C. reported the assault by Dr. Baez to the Tucson Police Department. Dr. Baez appeared for an investigative interview with his attorney, David Hill. During the interview, Dr. Baez denied the allegations made against him by A.C. After the interview, Dr. Baez was ordered to the Sexual Recovery Institute (SRI) to undergo an evaluation. SRI contacted Board Staff after the evaluation concluding that, based on the interviews and testing, Dr. Baez was not safe to return to practice. SRI also informed the Board that Dr. Baez called SRI after the evaluation and set up a telephone conference telling SRI he wanted to tell them what had really happened, but Dr. Baez then cancelled that appointment.

Mr. Hill addressed the Board stating that when he and his client learned of the criminal investigation taking place, they had not yet seen the police report. He stated that when Dr. Baez learned of the allegations of A.C., he consulted with a criminal attorney.

Dr. Baez chose not to address the Board due to the pending criminal investigation against him.

Mr. Hill stated that Dr. Baez has consistently denied the allegations against him, and because of the nature of the allegations he decided to would make himself available for interview with Board Staff. He stated that after the interview with Staff, a member of Board Staff said he was not a risk to his patients. He stated that some one else came to the meeting room and said he would need to go to a SRI. Mr. Hill claims Board Staff told the physician that if he didn't participate, he would loose his license. After the interview, Dr. Baez traveled to SRI in Los Angeles, California and appeared just a week after the interview with Board Staff. Mr. Hill said the evaluation process lasted for four days where he was interviewed by more than one psychiatrist. Mr. Hill stated that based on his own investigation, he felt the evaluation was a very confrontational setting and the only reason for the evaluation was to elicit a confession from Dr. Baez regarding sexual misconduct. Mr. Hill communicated to the Board that during the evaluation process, the questions asked were improper and SRI has not yielded information to support a summary action. Mr. Hill asked the Board to protect Dr. Baez's license with an expedited hearing.

Mr. Hill expressed to the Board that he understands this matter is serious and does not think it should be taken lightly, but on the other hand, when the case is based on allegation only, the process utilized is improper.

Mr. Hill stated he and his client still have not seen anything from SRI nor have they seen the photos from the investigation with the Tucson Police Department. He stated that in the environment of the SRI evaluation, Dr. Baez was consistently told he had to say or offer something that they could work with. Mr. Hill stated that given the gravity of the charges against him and given Dr. Baez's need and right to practice medicine, they will accept a required chaperone to accompany Dr. Baez while examining patients. He stated he and his client need more time to utilize the Board's subpoena power and to have time to get witnesses together.

Dr. Martin asked Board Staff if there were anything more they would like to add. Ms. Young stated for the record that she would like to correct the statement made earlier saying she told Dr. Baez was not a threat to his patients.

Dr. Krishna asked for clarification on Dr. Baez and SRI. He stated that Dr. Baez went to SRI at the request of Board Staff and that he did comply with the evaluation process. Dr. Krishna asked to make it clear for the record that Dr. Baez did comply with the Board Order.

Christine Cassetta, Board Legal Counsel, addressed the Board on the due process issue raised by Mr. Hill and stated for the record that the Board's procedures do comport with due process and, if the Board were to take summary action, the physician has the right to a formal hearing as expeditiously as possible.

Dr. Krishna said he feels that Dr. Baez went for an evaluation and SRI's findings support Dr. Baez presenting as a danger and the Board does not have any choice but to summarily suspend his license to protect the public.

**MOTION: Ram R. Krishna, M.D. moved to summarily suspend the physician's license based on an imminent threat to public health and safety.**

**SECONDED: Douglas D. Lee, M.D.**

**Roll Call Vote: Roll call vote was taken and the following Board Members voted in favor of the motion: Patrick N. Connell, M.D., Dan Eckstrom, Patricia Griffen, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin III, M.D., Dona Pardo, Ph.D., R.N., Germaine Proulx and Amy J. Schneider, M.D., F.A.C.O.G.**

**Vote: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent**

**MOTION PASSED**



The meeting adjourned at 12:26pm.

---

Timothy C. Miller, J.D., Executive Director